

HOUSE No. 756

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to reduce solid waste in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	15th Middlesex
Michael J. Moran	18th Suffolk
Steven J. D'Amico	4th Bristol
William Lantigua	16th Essex
Barbara A. L'Italien	18th Essex
Susan C. Tucker	Second Essex and Middlesex
Richard J. Ross	9th Norfolk
Thomas M. Stanley	9th Middlesex
Christine E. Canavan	10th Plymouth
Denise Provost	27th Middlesex
Jennifer M. Callahan	18th Worcester
Cory Atkins	14th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 782 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REDUCE SOLID WASTE IN THE COMMONWEALTH..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21A of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 20 the following new sections:-

3 Section 21. Definitions. As used in sections 22 through 25 the following words shall have the following
4 meanings:-

5 "Agency", any state agency, state authority, state higher education facility or state office.

6 "Cathode ray tubes", any intact, broken, or processed glass tube used to provide the visual display
7 in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

8 "Commercial Establishment," any non-residential building, including, but not limited to, those
9 used for retail, wholesale, industrial, manufacturing, dining, offices, professional services,
10 automobile services, hotels and motels, restaurants, or shipping and receiving areas.

11 "Commissioner," the Commissioner of the Department of Environmental Protection.

12 "Construction and demolition", asphalt pavement, brick, wood, metal and concrete from
13 construction activities and demolition of buildings, roads and bridges and similar sources.

14 "Court", any trial court department, appeals court and the supreme judicial court.

15 "Department," the Department of Environmental Protection.

"Glass Containers", glass bottles and jars (soda-lime glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

"Fluorescent lamp", an electric lamp to which the manufacturer intentionally introduces mercury for the operation of the lamp, including, but not limited to fluorescent, compact fluorescent, black lights, high intensity discharge lamps, ultraviolet lamps and neon lamps.

"Lead Batteries", lead-acid batteries used in motor vehicles or stationary applications.

"Metal Containers", aluminum, steel or bi-metal beverage and food containers.

"Public building," a building owned by the Commonwealth or any political subdivision thereof, or in an enclosed indoor space occupied by a state agency or department of the commonwealth which is located in a building not owned by the commonwealth--

"Recyclable paper", all paper, corrugated cardboard, and paperboard products, except tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products.

"Single polymer plastics", all narrow-neck plastic containers where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer plastic containers labeled 1-6.

"State Sustainability Program", State Sustainability Program within the executive office of environmental affairs.

"Tires", a continuous solid or pneumatic rubber covering intended for use on a motor vehicle.

"White goods", appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items; or to cool or to heat air or water, including, but not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.

"Yard Waste", deciduous and coniferous seasonal depositions, such as leaves, grass clippings, weeds, hedge clippings, garden materials, and brush 1 (one) inch or less in diameter (excluding diseased plants).

Section 22. Recycling in Public Buildings

(a) By January 1, 2009, every agency and court, individually or in conjunction with other agencies or courts, the General Court, and all public buildings shall implement a program to recycle the following materials: lead batteries, metal containers, glass containers, single polymer plastics, recyclable paper, yard waste, tires, white goods, fluorescent lamps, cathode ray tubes or the product that contains the cathode ray tube and construction and demolition material.

(b) The State Sustainability Program shall provide recycling guidance to establish and implement a waste generation and recyclable material generation reporting system for agencies, courts, and the General Court. Agencies and courts with more than 50 employees located in a state owned building and the General Court shall be required to submit said reports to the State Sustainability Program. In the event an agency or court is located in a facility where the waste management is handled by another agency or court, the agency or court responsible for waste management shall be responsible for submitting said reports. Said reports shall, where feasible, include, but not be limited to the following:

(1) Tonnage of solid waste generated by the agency, court, General Court or public building; and

(2) Tonnage of waste recycled by agency, court, General Court or public building; and

(3) A breakdown of the tonnage of materials recycled listed in subsection (a).

(c) Every lease agreement entered into by an agency or court after the effective date of this section shall contain a provision that requires recycling pursuant to the terms of this act, and, where feasible, requires the landlord to report on agency or court waste generation and recycling data pursuant to section (b) of this act.

(d) The executive office of environmental affairs may promulgate rules and regulations regarding this act.

Section 23. Public Recycling Bins

(a) Every municipality in the state shall provide recycling bins for metal containers, single polymer plastics, and recyclable paper adjacent to at least half of the outdoor public trash cans in that municipality. The municipality shall be responsible for collection and proper delivery of the recycled materials in the recycling bins.

Section 24. Recycling in high traffic facilities.

(a) Facilities visited by at least five thousand individuals annually, including but not limited to stadiums, arenas, marinas, airports, museums, and theatres, shall implement a program to recycle metal containers, single polymer plastics, and recyclable paper. The department shall promulgate rules and regulations as necessary to effect the requirements set forth herein.

Said facilities shall provide recycling receptacles for metal containers, single polymer plastics, and recyclable paper. Said receptacles shall be located adjacent to each other and to at least half of the public trash cans at the facilities. Receptacles shall be clearly indicated as for recycling of metal containers, plastics, and paper.

The facility shall cause the recyclable contents of these receptacles to be transferred to appropriate recycling facilities and done so with adequate frequency that contents of said receptacle do not protrude above the highest point on said receptacles.

SECTION 2. MBTA Recycling.

82 Chapter 1611A of the General Laws is hereby amended by inserting after section 5(r), the following:-

83 (s) To adopt, and revise as appropriate, a recycling program to provide newspaper recycling bins adjacent
84 to every trash receptacle at all mass transportation facilities where newspapers are sold or distributed.